



SENATE

S. No. 1233

(IN SUBSTITUTION OF SENATE BILL NOS. 230 AND 872)

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PREPARED BY THE COMMITTEES ON LABOR, EMPLOYMENT  
AND HUMAN RESOURCES DEVELOPMENT; AND FOREIGN  
RELATIONS WITH SENATORS DELA ROSA, BINAY,  
VILLANUEVA, PACQUIAO, VILLAR, DRILON, GATCHALIAN,  
GO, HONTIVEROS, LACSON, LAPID, MARCOS, PANGILINAN,  
SOTTO III, TOLENTINO AND ZUBIRI AS AUTHORS THEREOF

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AN ACT EXPANDING THE USE OF THE LEGAL  
ASSISTANCE FUND, AMENDING FOR THE  
PURPOSE SECTION 26 OF REPUBLIC ACT NO.  
8042, AS AMENDED, OTHERWISE KNOWN AS  
THE "MIGRANT WORKERS AND OVERSEAS  
FILIPINOS ACT OF 1995"

*Be it enacted by the Senate and House of Representatives of  
the Philippines in Congress assembled:*

- 1           SECTION 1. Section 26 of Republic Act No. 8042,  
2 otherwise known as the "Migrant Workers and Overseas  
3 Filipino Act of 1995", as amended by Republic Act No.  
4 10022, is hereby amended to read as follows:

1           “SEC. 26. *Uses of the Legal Assistance*

2           *Fund.* – The Legal Assistance Fund created  
3           under the preceding section shall be used  
4           exclusively to provide legal services to migrant  
5           workers and overseas Filipinos in distress in  
6           accordance with the guidelines, criteria and  
7           procedures promulgated in accordance with  
8           Section 24(a) hereof. The expenditures to be  
9           charged against the Fund shall include the fees  
10          for the foreign lawyers to be hired by the [Legal  
11          Assistant for Migrant Workers Affairs] HEAD  
12          OF MISSION OF THE PHILIPPINE  
13          EMBASSY CONCERNED to represent migrant  
14          workers AND OVERSEAS FILIPINOS facing  
15          charges or in filing cases against erring or  
16          abusive employers AND OTHER OFFENDERS  
17          abroad, IN OBTAINING bail bonds to secure  
18          the temporary release OF MIGRANT  
19          WORKERS AND OVERSEAS FILIPINOS IN  
20          DISTRESS, AND OTHER KINDS OF BONDS

1           REQUIRED BY THE FOREIGN COURT,  
2           AGENCY OR TRIBUNAL WHERE THE CASE  
3           IS PENDING, and other litigation expenses.

4           "THE LEGAL ASSISTANCE FUND  
5           SHALL, AT ALL TIMES, BE IMMEDIATELY  
6           AVAILABLE TO ALL MIGRANT WORKERS  
7           AND OVERSEAS FILIPINOS IN DISTRESS  
8           WHO INITIATE OR WHO IS IMPEADED IN  
9           ANY TYPE OF CASE INITIATED IN THE  
10          FOREIGN POST, FROM THE TIME OF THE  
11          COMMENCEMENT OF THE COMPLAINT,  
12          ACTION OR SIMILAR PROCEEDING, AND  
13          IN ALL STAGES OF THE PROCEEDING  
14          UNTIL PROMULGATION AND EXECUTION  
15          OF JUDGMENT AND AT ALL LEVELS OF  
16          APPEAL.

17          "[*Provided, That*] At the end of every  
18          year, the Department of Foreign Affairs shall  
19          include in its report to Congress, as provided  
20          for under Section 33 of this Act, the status of

1           the Legal Assistance Fund, including the  
2           expenditures from the said fund duly audited  
3           by the Commission on Audit (COA): *Provided,*  
4           [*further,*] That the hiring of foreign legal  
5           counsel, when circumstances warrant urgent  
6           action, shall be exempt from the coverage of  
7           Republic Act No. 9184 or the Government  
8           Procurement Act.”

9           SEC. 2. *Implementing Rules and Regulations.* –  
10          Within sixty (60) days from the approval of this Act, the  
11          Department of Foreign Affairs, in consultation with the  
12          Department of Labor and Employment, Overseas Workers  
13          Welfare Administration, Philippine Overseas Employment  
14          Administration, Commission on Filipino Overseas, and  
15          other relevant government agencies and stakeholders,  
16          shall promulgate the implementing rules and regulations  
17          for the effective implementation of the provisions of this  
18          Act, including, but not limited to, the specific uses of the  
19          fund, and to ensure that the Legal Assistance Fund is  
20          immediately and at all times available to all migrant

1 workers and overseas Filipinos in distress in accordance  
2 with this Act. If practicable, the implementing rules and  
3 regulations may also authorize the Secretary of Foreign  
4 Affairs to delegate the authority to approve an expenditure  
5 chargeable to the Fund to the head of Post, subject to  
6 existing rules and regulations of the Commission on Audit  
7 (COA).

8       SEC. 3. *Repealing Clause.* – All laws, orders,  
9 issuances, rules and regulations or part thereof  
10 inconsistent with the provisions of this Act are hereby  
11 repealed, amended or modified accordingly.

12       SEC. 4. *Effectivity Clause.* – This Act shall take effect  
13 fifteen (15) days after its publication in the *Official Gazette*  
14 or in at least two (2) newspapers of general circulation.

Approved,